

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICOSTATE OF NEW MEXICO
COUNTY OF

JUDICIAL DISTRICT COURT

Keith Henderson

Plaintiff/Petitioner

v.

State of New Mexico

Defendant/Respondent

Request

MOTION TO/FOR to amend a ordinance by 100 ft so I can parole to this
My name is Keith Henderson residence.

I request the Court do the following:

I am asking this court to please amend a ordinance which states I am 100 ft away
to be able to parole to my residence.

The reasons the judge should grant my request are (attach additional pages if needed):

Due to the Pandemic covid 19 my girlfriend has a house a residence
and she can not move due to the added expence and lack of work hours
and restrictions placed by our state Governor. Making it a hardship
to her and for me, this is my grand for relief sought.

Therefore, I respectfully ask the Court to grant this motion.

Per Rule 1-011 of the Rules of Civil Procedure, my signature here indicates that:

I have read the motion and to the best of my knowledge, information and belief, there is good ground to support it; and I am not using the motion to delay the case.

X Keith J HendersonSignature of party making the motion
Mailing Address:NM Detention FacilityCoronado 1700 East Old Hwy 66Grants NM 87020

Phone:

Certificate of MailingI certify that I sent a copy of this whole motion to
all other parties in this case by mailing it to them
or their attorneys at the following addresses:

STATE OF NEW MEXICO
COUNTY OF
JUDICIAL DISTRICT COURT

Keith Henderson
Plaintiff/Petitioner

v.

No. CR 2015 -01925

State of New Mexico
Defendant/Respondent

ORDER ON MOTION

To amend a ordinance by 100 ft
so I can parole to my residence.

THE COURT has considered the following motion:

This motion was filed by:

Keith Henderson

After consideration of the motion, the Court grants denies the motion.

In particular:

The request to appear telephonically is granted. _____ may appear by phone, and is responsible to call the Court ten minutes before the hearing.

The request to continue a hearing/trial is granted. The hearing/trial that had been set for _____ is rescheduled for

_____ at _____ a.m./p.m.

DISTRICT COURT JUDGE

Order proposed by:

JUDICIAL DISTRICT COURT
 COUNTY OF
 STATE OF NEW MEXICO

(1) Keith Henderson,
 Petitioner/Plaintiff,

v.

(3) _____

(2) State of New Mexico,
 Respondent/Defendant.

(4) REQUEST FOR HEARING

1. Assigned Judge: _____
2. Type of Case: Criminal _____
3. Jury: _____ Non-Jury ✓ _____
4. Dates of hearings presently set: request _____ None: _____
5. Matter to be heard: Amendment _____
6. Estimated time required: what court Deems fit _____

(5) Names, addresses and telephone numbers of all persons entitled to notice:
 (this includes you, any other person in the case who is not represented, and any attorney involved in the case)

(a) Your name and address here: <u>Keith Henderson</u> <u>1700 East old Hwy 66</u> <u>Grants NM 87020</u>	(b)
(c) NM Probation and Parole <u>4337 NM 14</u> <u>Santa Fe NM 87508</u>	(d)

Submitted by: Keith Henderson
 Signature
 Address: 1700 East old Hwy 66
Grants NM 87020

Keith Henderson
 Print Name
 Phone Number: _____

①

I Kieth Henderson is respectfully submitting this motion so my Conts. Amend VIII will not be violated which involves the unnecessary and wanton infliction of pain to me and my girlfriedr. Because conditions of confinement are part of the penalty imposed upon criminal offenders, they too fall within the ambit upon the Eighth Amendment. It is immaterial whether such conditions results from restrictions imposed for administrative, rather than punitive reasons. Procedural Due Process > Scope of Protection [HN23] The touchstone of due process is protection of the individual against arbitrary action of government. The proper forum for adjudicating a challenge to conditions of confinement is a court of law, not a prison administrative board. This is why I am presenting my case to my court due to Mitigating circumstances of present rules of parole and probation imposed. Due to the pandemic Covid 19 our way of life have change on prison and on day to day life my family's home was inspected by probation and parole and it passed inspection the only thing that did not was the distance of my residence by a park. It was 100 ft shy. But in my defense there is a major street dividing my home and a park. Also due to the pandemic my family has gone thru some hard times from work to paying bills which caused unnecessary problems to my family so I am asking to please amend that rule in my case. I have followed all rules regulations and have been a model prisoner I have participated in programs offered at the penitentiary. Due to my behavior while in rehabilitation I merit a second chance. Please consider these factors so you could grant my petition.

1. Mitigating circumstances caused by the pandemic covid 19
2. Time served to date
3. Conduct in prison
4. Psychiatric history
5. Current physical and psychiatric reports
6. Work Ethics
7. Participation in educational, vocational, recreational and religious programs offered by the penitentiary.

(2)

8 Medical Disabilities

9 Participation in other Programs

10 Participation in therapy programs available

11 The desire to obtain parole

12 No resentment or hostility (check to verify Mental Health)

13 Positive Indications of favorable attitudinal change-verified thru Mental Health

14 Support and treatment of family

15 Attitude of my family I am returning to -

16 Length of time in Jobs

17 Job skills

18 Compatibility of Job

19 Living conditions verified thru (Security)

20 At all times I acted in a honorable manner as a good member of the community- can be verified thru Mental Health and past employers

21 My families sacrifices to get me back to them. If you do not grant my petition it would cause financial burden to my family they would have to move and with this pandemic it is hard.

I know as the parolee and the state would revoke my probation and parole, & any condition is violated. So I am asking for a inquiry by this court to see I have been a model citizen ready to reintegrate to society as a good citizen so when the Board went to my home

The Board Believes that he is able and willing to fulfill the obligations of a law abiding citizen this is why I am petitioning to grant my motion and let me parole to this address.

"People ex rel. Menechino v. Warden, Green Haven State prison

In Menechino, when a mans liberty is at stake, it is of no comfort to the man to be told that the hearing at which his fate is to be determined is merely an administrative

re-evaluation of the wisdom of extending the privilege (ie parole) of conditional freedom that had been granted to him. Where a parolee's liberty is at issue the state is just to important to be left completely to the unchallenged discretion of the parole board.

(3)

In New Mexico a foundation for constructing a case for due process
in Ex Parte Lucero.

This requirement of a hearing in all cases where personal liberty is involved because a requirement that an individual be granted the right of counsel. When the mandate of Lucero is added to the statement of US Supreme Court in Powell v Alabama. The Supreme Court declared in the case that the right to be heard would be "of little avail if it did not comprehend the right to be heard by ^{the} court and counsel. So I am respectfully asking to review my petition and grant it in consideration for all the years I served in prison and acted in a honorable way. Please let me parole to this address and amend the 1008F. I will obey all rules and ordinances and statutes may the grace of this court be upon me and my family and our petition

Respectfully
Submitted

Keith J Henderson

Keith J Henderson
4906 - F2 - 205
PO Box 800

87020

RECEIVED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

Oct 15 2020

MICHELLA, ELFERS
CLIEEK

Legal
mail

U.S. District Court
333 Lomas Blvd. N.W. SW 2210
Albuquerque, N.M. 87102

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